

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: November 17, 2016

Agenda Item: Bay of Park Grove at the Fort Peck Dredge Cuts No Wake Petition

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 Minutes

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Background: Jim Bowker submitted a petition for a no wake restriction in the Bay of Park Grove located at the Fort Peck Dredge Cuts. After further discussion with the petitioner, his proposal is to restrict the Bay of Park Grove to no wake motorized boating 75 feet out from the shoreline. The petition references safety concerns, disruption of both animal activity and non-motorized user activity, and shoreline damage.

Public Involvement Process & Results: The public has not had an opportunity to review or comment on the petition. If approved by the Commission, rulemaking processes would be initiated that would include public involvement.

Alternatives and Analysis: The Commission is required to either deny the petition or initiate rulemaking. If the Commission denies the petition, the regulation of the water body listed in the petition will remain as it is currently. If the Commission initiates rulemaking, the process for rulemaking under the Montana Administrative Procedure Act (MAPA) will begin.

Agency Recommendation & Rationale: The Department recommends the Commission deny the petition because the Fish, Wildlife and Parks Region 6 office has not received nor documented any complaints or incidents of the boating activity described in this petition. The Department feels that the issues brought up in the petition can be solved by actively working with landowners, educating boaters and by conducting enhanced enforcement patrols in the area.

Proposed Motion: I move the Commission deny the petition submitted by Jim Bowker requesting an administrative rule regarding limiting the Bay of Park Grove to a no wake zone 75 feet out from the shoreline.